



CITY OF FORT LAUDERDALE

**SPECIAL MAGISTRATE HEARING
1st FLOOR COMMISSION CHAMBERS
FORT LAUDERDALE CITY HALL
ROSE ANN FLYNN PRESIDING
JUNE 8, 2021
9:00 A.M.**

Staff Present:

Christine Chaney, Administrative Assistant
Monique Drake, Administrative Assistant
Loen Garrick, Administrative Assistant
Crystal Green-Griffith, Administrative Assistant
Katrina Jordan, Administrative Services Supervisor
Porshia Williams, Code Compliance Manager
Rhonda Hasan, Assistant City Attorney
Stephanie Bass, Code Compliance Supervisor
Gustavo Caracas, Code Compliance Officer
Julio Davila, Code Compliance Supervisor
Darrin Emmons, Code Compliance Officer
Manuel Garcia, Code Compliance Officer
Robert Kisarewich, Fire Safety Captain
Dorian Koloian, Senior Code Compliance Officer
Malaika Murray, Code Compliance Officer
Karen Proto, Code Compliance Officer
Bernstein Saimbert, Code Compliance Officer
Will Snyder, Code Compliance Officer
Lois Turowski, Code Compliance Officer
Reginald White, Code Compliance Supervisor

Respondents and witnesses

CE21030191: Stephan West	CE20101119: Michael Koski
CE21030183; CE21030184; CE21030185; CE21030186;	CE21020531: George Criscione
CE21030187; CE21030188; CE21030189; CE21030190;	CE21030130: Cynthia Green; Jenna Wulf; Charles Fields
Courtney Crush	CE20020824: Avery Landis; Kevin Wolfer
CE21030351; CE21030352: Estefania Mayorga;	CE21030781: Jackie Archer
Stephanie Toothaker	CE21030277: Dana Korshe
CE21030357: Erick Mendez	CE18091383: Darin Whelan
CE21030180: Nissan Hamuy; Courtney Crush	CE20071241: Paul Willis
CE19110927: Donald Grant	CE19020850: Ronald Coleho
CE21030179: Michael Flemming	CE20100750; CE20101083: Jordan Brown
CE19010391: Jerome Ryan	CE20110740: Angelica Rundell; Lucy Morena
CE21010622: Gerald Brooks; David Permo	CE20091015: Russel Herbert
CE21031062: Derkrishin Lalwani	CE21030584: Avner Dori
CE21031060; CE21030588: Derkrishin Lalwani; Dayalwas	CE21031017: Howard Berkson; Maddy Dusquel
Lalwani; Narian Lalwani	CE21031058: Derkrishin Lalwani
FC21040025: Trent Turner; Philomene Philostin	CE19020960; CE18071161; CE18081968: John Byrne
CE21010627: Gerald Brooks	CE20060750: Yael Ramirez; Yael Mangado
CE18091090: Deena Gray; John Phillips	CE20010501: Charles Fields; Zulfiqar Lakha
CE21010662: Edmon Chenet	CE21020494: Robert Symington
CE21031050: Liga Martinez	CE17032357: Courtney Crush
CE19090635: Michael McDavid	CE18070588: Gene Morales
CE21030523: Stephan Guarch	CE21010325; ENF-CODE-19100421: Ben Ezra
CE21010325: Ben Arihai	CE06100348; CE12050967; CE18100980: James Carter;
CE-20011481: Patricia Rathburn	Geil Bilu

Special Magistrate Hearing

June 8, 2021

Page 2

CE20100197: Ken McMakin; Johnnie Delgado
CE21010402: Roberto Gonzalez; Nestor Rodriguez
CE20110391: Robert Banks
CE21040542: Harry Linet
CE21010155: M. Rosenzweig; Arressa Rosenzweig

CE21010878; CE20070570: David Ocon; Jennifer Louise Ford
CE18020357: Sophia Blair

NOTE: All individuals who presented information to the Special Magistrate during these proceedings were sworn in.

The meeting was called to order at 9:00 A.M.

Case: CE20091015

3000 GRANADA ST
CCR REALTY INVESTMENTS INC

This case was first heard on 2/9/21 to comply by 3/16/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$1,450 and the City was requesting the full fine be imposed.

Will Snyder, Code Compliance Officer, recommended imposition of the fine.

Russel Herbert explained that his property manager had informed him the violation was taken care of when it was not. The contractor he hired had also delayed and the tenants had refused to allow access to the apartments.

Ms. Flynn imposed a fine of \$350 for the time the property was out of compliance.

Case: CE20100197

1400 NE 53 CT
OAK TREE AVANATH CORAL RIDGE;
ISLES LLC % OAK TREE MGMNT LTD

This case was first heard on 3/9/21 to comply by 4/13/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$11,200 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Malaika Murray, Code Compliance Officer, said two of three violations were now in compliance. The parking lot violation remained.

Ken McMakin said they had taken over management of the property in July 2020 and as soon as they were aware of the violations they had acted. They had a contract to repair the parking area. He requested 90 days. Officer Murray did not object to the extension request. Ms. Flynn granted a 98 day extension.

Case: CE21030180

CITATION

401 S FORT LAUDERDALE BEACH BLVD
BEACH BOYS PLAZA INC; % HAMUY

This case was first cited on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$8,900 and the City was requesting the full fine be imposed. No appeal had been received.

Manuel Garcia, Senior Code Compliance Officer, recommended reducing the amount owed to \$451 to cover administrative costs.

Nissan Hamuy agreed to the reduction.

Ms. Flynn imposed administrative costs of \$451.

Special Magistrate Hearing

June 8, 2021

Page 3

Later in the hearing, the City requested Ms. Flynn vacate her previous order. The case would be withdrawn, fines waived and the case closed.

Ms. Flynn vacated her previous order.

Case: CE20110740

2933 POINSETTIA ST
CORTEZ PROPERTY DEV LLC

This case was first heard on 3/25/21 to comply by 4/22/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$7,050 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Will Snyder, Code Compliance Officer, reported the property was not in compliance.

Angelica Rundell explained that trash accumulated in the area and the contractor they had hired was not cleaning it often enough. They were working with a new contractor. She requested 14 days.

Ms. Flynn granted a 14-day extension, during which time no fines would accrue. and ordered the respondent to attend the 6/24/21 hearing.

Case: FC21040025

880 W SUNRISE BLVD
FIRST COAST ENERGY LLP

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Captain Robert Kisarewich, Fire Inspections Officer, testified to the following violation(s):
VIOLATIONS:

NFPA 1:50.5.6.1, FFP
UPON INSPECTION, THE EXHAUST SYSTEM HAS BEEN FOUND TO BE CONTAMINATED
WITH DEPOSITS FROM GREASE-LADEN VAPORS.

1:50.5.2.1, FFPC 6th
THE HOOD FIRE SUPPRESSION SYSTEM HAS NOT BEEN INSPECTED AND TAGGED BY
A STATE LICENSED COMPANY WITHIN THE PAST 6 MONTHS.

Captain Kisarewich reported the business had been shut down and the property condemned. He said the owner was deciding whether to rehabilitate the property or to demolish it.

Trent Turner said they were still assessing the financial burden to rehabilitate the property and were considering all options. He said they had cleaned up the rear where the exhaust system was, which could be a fire hazard. He requested 30 days to decide what they would do.

Captain Kisarewich recommended ordering compliance within 63 days or a fine of \$200 per day, per violation.

Ms. Flynn found in favor of the City and ordered compliance within 63 days or a fine of \$200 per day, per violation, and ordered the respondent to attend the 8/10/21 hearing.

Case: CE20060750

3300 SW 17 ST
RAMIREZ, YASEL LOPEZ

This case was first heard on 1/12/21 to comply by 2/15/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$11,300 and the City was requesting imposition of the fines, which

Special Magistrate Hearing

June 8, 2021

Page 4

would continue to accrue until the property was in compliance.

Manuel Garcia, Senior Code Compliance Officer, reported the owner had a permit but it required final inspection. He recommended imposition of the fine.

Yael Mangado acted as interpreter for Yasel Ramirez. She stated it had taken time for Mr. Ramirez to get the funds for the permit. Officer Garcia said he would not object to an extension.

Ms. Flynn granted a 21-day extension, during which time no fines would accrue and ordered the respondent to attend the 7/29/21 hearing.

Case: CE21030130

2300 NW 13 ST

GREEN, CYNTHIA D

Service was via posting at the property on 5/24/21 and at City Hall on 5/25/21.

Manuel Garcia, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

18-4(c) **COMPLIED**

THERE IS A DERELICT VEHICLE ON THE PROPERTY.

47-18.47.A.

THIS PROPERTY HAS BEEN IDENTIFIED AS A COMMUNITY RESIDENCE. THEY HAVE NOT REGISTERED WITH THE PLANNING AND ZONING DIVISION OF THE CITY DEPARTMENT OF SUSTAINABLE DEVELOPMENT AS REQUIRED NOR HAVE THEY BEGUN THE PROCESS TOWARDS OBTAINING STATE CERTIFICATION.

Officer Garcia presented the case file into evidence and recommended ordering compliance within 182 days or a fine of \$100 per day. He explained that the owner had not been aware of the community residence being operated by the tenant.

Jenna Wulf agreed.

Ms. Flynn found in favor of the City and ordered compliance within 182 days or a fine of \$100 per day.

Case: CE21010402

1424 NE 1 AVE

ROCHE, ELITAINE

This case was first heard on 3/9/21 to comply by 3/19/21. Violations and extensions were as noted in the agenda. The property was in compliance, and fines had accrued to \$8,100.

Lois Turowski, Code Compliance Officer, recommended reducing the amount owed to \$626 to cover administrative costs.

Roberto Gonzalez agreed to the reduction.

Ms. Flynn imposed administrative costs of \$626.

The following three cases for the same owner were heard together.

Case: CE18071161

3204 DAVIE BLVD

SARRIA HOLDINGS II INC

This case was first heard on 8/13/20 to comply by 11/19/20. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$2,200 and the City was requesting Ms. Flynn vacate the order dated

Special Magistrate Hearing

June 8, 2021

Page 5

3/9/21 and that \$333.33 be imposed for administrative costs.

Ms. Hasan said she and the owner's attorney had agreed to the fine reduction. John Byrne, attorney, agreed.

Ms. Flynn vacated the order dated 3/9/21.

Ms. Flynn imposed administrative costs of \$333.33.

Case: CE18081968

3300 DAVIE BLVD
SARRIA HOLDINGS II INC

This case was first heard on 8/13/20 to comply by 11/19/20. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$2,200 and the City was requesting Ms. Flynn vacate the order dated 3/9/21 and that \$333.33 be imposed for administrative costs.

M. Flynn vacated the order dated 3/9/21.

Ms. Flynn imposed administrative costs of \$333.33.

Case: CE19020960

3200 DAVIE BLVD
SARRIA HOLDINGS II INC

This case was first heard on 8/13/20 to comply by 11/19/20. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$2,200 and the City was requesting Ms. Flynn vacate the order dated 3/9/21 and that \$333.34 be imposed for administrative costs.

Ms. Flynn vacated the order dated 3/9/21.

Ms. Flynn imposed administrative costs of \$333.34.

The following two cases for the same owner were heard together:

Case: CE21010622

801 NE 62 ST
FIRTH PROPERTIES 899 NE 62ND LLC

Service was via posting at the property on 5/26/21 and at City Hall on 5/25/21.

Dorian Koloian, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

47-20-20.H

THE PARKING FACILITIES AT THIS BUSINESS IS NOT BEING MAINTAINED. THERE ARE HOLES, CRACKS, AND NEEDS TO BE RESURFACED, INCLUDING REPAIR AND OR PAINT WHEEL STOPS. THERE IS TRASH AND LITTER IN PARKING AREA AS WELL.

15-33(A) **VACATED**

OPERATING FEE BASED AND/OR VALET WITHOUT REQUIRED BUSINESS TAX RECEIPT.

Officer Koloian requested that violation 15-33(A) be vacated. She presented the case file into evidence and recommended ordering compliance with 47-20-20.H within 42 days or a fine of \$50 per day.

Gerald Brooks requested 60 days.

Special Magistrate Hearing

June 8, 2021

Page 6

Ms. Flynn found in favor of the City and ordered compliance within 63 days or a fine of \$50 per day.

Case: CE21010627

899 NE 62 ST

FIRTH PROPERTIES 899 NE 62ND LLC

Service was via posting at the property on 5/26/21 and at City Hall on 5/25/21.

Dorian Koloian, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

47-20.20.D. COMPLIED

THERE ARE COMMERCIAL VEHICLES, INCLUDING BUT NOT LIMITED TO FOOD TRUCKS AND/OR TRAILERS BEING PARKED AND/OR STORED AT THIS PARKING FACILITY.

47-20.20.(H)

THERE ARE PARKING FACILITIES THAT ARE NOT MAINTAINED AT THIS PROPERTY. THERE ARE HOLES, CRACKS AND NEEDS TO BE RESURFACED, RESTRIPE AND THE WHEEL STOPS REPAIRED AND/OR REPLACED.

47.20.20.E COMPLIED

THERE ARE PARKING FACILITIES THAT ARE NOT BEING USED FOR THE PARKING OF MOTOR VEHICLES BY OCCUPANTS, EMPLOYEES, VISITORS OR PATRONS OF THE USE OR STRUCTURE WHICH THE PARKING FACILITY IS SERVING.

Officer Koloian presented the case file into evidence and recommended ordering compliance within 63 days or a fine of \$50 per day.

Gerald Brooks agreed.

Ms. Flynn found in favor of the City and ordered compliance within 63 days or a fine of \$50 per day.

Case: CE20020824

2401 CAT CAY LN

WOLFER, KEVIN MICHAEL

This case was first heard on 1/12/21 to comply by 2/9/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$6,100 and the City was requesting the full fine be imposed.

Manuel Garcia, Senior Code Compliance Officer, recommended reducing the amount owed to \$764 to cover administrative costs.

Kevin Wolfer said his sister had left him the home when she died in 2019 and it had been in disrepair and occupied by squatters. He requested a further reduction because he said he had nothing now.

Avery Landis said he had been managing the property and noted Mr. Wolfer had spent significant money on the property. He stated he had receipts.

Ms. Flynn imposed a fine of \$350 for the time the property was out of compliance.

Case: CE21031062

841 N FORT LAUDERDALE BEACH BLVD

845 NORTH ATLANTIC BLVD LLC

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Special Magistrate Hearing

June 8, 2021

Page 7

Will Snyder, Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

18-1.

THERE IS GRAFFITI AT THIS PROPERTY THAT IS CREATING A PUBLIC NUISANCE. IT IS BEING MAINTAINED IN SUCH A MANNER THAT THE PROPERTY IS OR MAY REASONABLY ADVERSELY AFFECT AND IMPAIR THE ECONOMIC WELFARE OF ADJACENT PROPERTIES.

18-12(a) **COMPLIED**

THERE IS OVERGROWTH, TRASH, RUBBISH AND DEBRIS ON THIS PROPERTY AND/OR ITS SWALE.

9-306

THE EXTERIOR BUILDING WALLS HAVE NOT BEEN MAINTAINED. THERE ARE AREAS OF THE EXTERIOR THAT HAVE STAINS AND MISSING, PEELING PAINT.

Officer Snyder presented the case file into evidence and recommended ordering compliance within 35 days or a fine of \$50 per day, per violation.

Derkrishin Lalwani said he had already complied the violations.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day, per violation.

Case: CE21031060

853 N FORT LAUDERDALE BEACH BLVD
LALWANI, JAMNA S

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Will Snyder, Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

47-19.9.A.2.c. **COMPLIED**

THERE IS A NON-PERMITTED OUTDOOR DISPLAY OF MERCHANDISE AT THIS PROPERTY.

18-1. **COMPLIED**

THERE IS GRAFFITI AT THIS PROPERTY THAT IS CREATING A PUBLIC NUISANCE. IT IS BEING MAINTAINED IN SUCH A MANNER THAT THE PROPERTY IS OR MAY REASONABLY ADVERSELY AFFECT AND IMPAIR THE ECONOMIC WELFARE OF ADJACENT PROPERTIES.

9-306 **COMPLIED**

THE EXTERIOR BUILDING WALLS HAVE NOT BEEN MAINTAINED. THERE ARE AREAS OF THE EXTERIOR THAT HAVE STAINS AND MISSING, PEELING PAINT.

Officer Snyder presented the case file into evidence and stated the property was now in compliance. He requested a finding of fact that the violations had existed as cited.

Derkrishin Lalwani said different inspectors told him different rules for the displays. He had sent a certified letter to the City requesting clarification but had received no reply yet. Officer Snyder explained to Mr. Lalwani he could apply for a permit, but Zoning would need to approve. He added that he had been very generous with properties with this violation.

Stephanie Bass, Code Compliance Supervisor, said all merchandise must be kept indoors. Specific businesses, such as car dealers and nurseries, were permitted to store merchandise outside.

Special Magistrate Hearing

June 8, 2021

Page 8

Ms. Flynn found in favor of the City that the violations had existed as cited.

Case: CE21031058

3132 NE 9 ST

3132 NE 9TH LLC

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Will Snyder, Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

18-12(a)

THERE IS OVERGROWTH, TRASH, RUBBISH AND DEBRIS ON THIS PROPERTY AND/OR ITS SWALE.

9-306

THE EXTERIOR BUILDING WALLS HAVE NOT BEEN MAINTAINED. STRUCTURAL PARTS INCLUDING FASCIA AND SOFFITS ARE IN DISREPAIR. THERE ARE AREAS OF THE EXTERIOR THAT HAVE STAINS AND MISSING, PEELING PAINT.

Officer Snyder presented the case file into evidence and recommended ordering compliance with 18-12(a) within 10 days and with 9-306 within 35 days or a fine of \$50 per day, per violation.

Derkrishin Lalwani said he had already corrected the violations.

Ms. Flynn found in favor of the City and ordered compliance with 18-12(a) within 10 days and with 9-306 within 35 days or a fine of \$50 per day, per violation.

Case: CE21030588

853 N FORT LAUDERDALE BEACH BLVD

LALWANI, JAMNA S

CITATION

This case was first cited on 3/17/21 to comply by 3/17/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$8,300 and the City was requesting imposition of the fine. No appeal had been received.

Bernstein Saimbert, Code Compliance Officer, confirmed the property was in compliance and recommended imposition of the fine.

Derkrishin Lalwani said he had not seen the citation.

Stephanie Bass, Code Compliance Supervisor said the City provided beachfront property owners information about sea turtle lighting and warned that enforcement would begin on March 1.

Ms. Flynn imposed the \$8,300 fine.

Dayalwas Lalwani, the owner's son, said his family was compliant with the City and his father wanted to know if there was another appeal process. Ms. Flynn said the code did not give her any discretion to do anything but impose the fine. She noted no appeal had been filed. Ms. Hasan advised Mr. Lalwani that they could seek a lien reduction.

Later in the hearing, the City requested Ms. Flynn vacate her previous order. The case would be withdrawn, fines waived and the case closed.

Ms. Flynn vacated her previous order.

Special Magistrate Hearing

June 8, 2021

Page 9

Case: CE21030584

3001 E LAS OLAS BLVD
BROOKLYN 46TH LLC

CITATION

This case was first cited on 3/17/21 to comply by 3/17/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$8,300 and the City was requesting imposition of the fine. No appeal had been received.

Manuel Garcia, Senior Code Compliance Officer, recommended reducing the amount owed to \$359 to cover administrative costs.

Avner Dori agreed to the reduction.

Ms. Flynn imposed administrative costs of \$359.

Later in the hearing, the City requested Ms. Flynn vacate her previous order. The case would be withdrawn, fines waived and the case closed.

Ms. Flynn vacated her previous order.

Case: CE20100750

2817 E OAKLAND PARK BLVD
ACS 2817 LLC

This case was first heard on 2/9/21 to comply by 3/15/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$4,250 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Dorian Koloian, Senior Code Compliance Officer, recommended a 14-day extension.

Jordan Brown, property manager, agreed.

Ms. Flynn granted a 14-day extension, during which time no fines would accrue.

Case: CE20101083

2817 E OAKLAND PARK BLVD
ACS 2817 LLC

This case was first heard on 2/9/21 to comply by 3/15/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$4,250 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Dorian Koloian, Senior Code Compliance Officer, recommended a 14-day extension.

Jordan Brown, property manager, agreed.

Ms. Flynn granted a 14-day extension, during which time no fines would accrue.

Case: CE21030351

303 N FORT LAUDERDALE BEACH BLVD
DIAMONDROCK FL OWNER LLC

CITATION

This case was first cited on 3/10/21 to comply by 3/10/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,000 and the City was requesting imposition of the fines, which

Special Magistrate Hearing

June 8, 2021

Page 10

would continue to accrue until the property was in compliance. No appeal had been received.

Dorian Koloian, Senior Code Compliance Officer, said the violation remained and recommended a 51-day extension.

Stephanie Toothaker, attorney agreed to the extension.

Ms. Flynn granted a 51-day extension, during which time no fines would accrue and ordered the respondent to attend the 7/29/21 hearing.

Case: CE21030352

CITATION

321 N FORT LAUDERDALE BEACH BLVD
DIAMONDROCK FL OWNER LLC

This case was first cited on 3/10/21 to comply by 3/10/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,000 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

Dorian Koloian, Senior Code Compliance Officer, said the violation remained and recommended a 51-day extension.

Stephanie Toothaker, attorney agreed to the extension.

Ms. Flynn granted a 51-day extension, during which time no fines would accrue and ordered the respondent to attend the 7/29/21 hearing.

Case: CE18091383

2598 NW 18 TER
OAKLAND 95 LLC

This case was first heard on 11/29/18 to comply by 1/3/19. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$133,000 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Reginald White, Code Compliance Supervisor, said a settlement agreement had been signed indicating that within 30 days of completion of the wall, Oakland 95 shall remove any existing violations of Section BCZ 39-132 on the property related to the Special Magistrate case and pay all outstanding administrative costs of \$1,756.64. He reported they were just awaiting final inspection on the wall. If the items were not removed the fines would be confirmed. He submitted the settlement agreement to Ms. Flynn.

Darin Whelan agreed to the settlement agreement and had signed it.

Ms. Flynn approved the settlement agreement.

Case: CE19010391

ORDERED TO REAPPEAR

621 NE 4 AVE
CITY COUNTY CREDIT UNION OF FTL

This case was first heard on 4/13/21 to comply by 6/8/21. Violations were as noted in the agenda. The property was not in compliance.

Gustavo Caracas, Code Compliance Officer, reported violation 47-19.5.D.5. had been in compliance as of 4/8/21. The other two violations remained.

Jerome Ryan said they were trying to get FPL to remove the poles and transformer that would allow them to put down sod. He requested 60 days and Officer Caracas did not object.

Ms. Flynn granted a 63-day extension, during which time no fines would accrue.

Case: CE21031017

3120 E SUNRISE BLVD

3114-20 E SUNRISE BLVD LLC

CITATION APPEAL

This case was first cited on 3/30/21 to comply by 3/30/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$1,500 and the City was requesting imposition of the fine. The appeal had been received by the 4/14/21 deadline.

Bernstein Saimbert, Code Compliance Officer, testified that the property was now in compliance. He recommended imposition of the fine.

Howard Berkson, owner, requested the case be dismissed because he had not received proper notice and remediation time. He stated neither he nor his tenant had received the initial notice, a warning or time to remediate. The citation provided zero time to comply. He said the tenant had turned the lights off the evening he received the citation. Mr. Berkson said this property was over 450 feet away from the beach, behind another hotel.

Stephanie Bass, Code Compliance Supervisor, said the City provided beachfront property owners information about sea turtle lighting and warned that enforcement would begin on March 1. She said the citation had been posted on the property and they also sent out a certified mail citation. She stated the inspector had visited the property three times before it was in compliance. Supervisor Bass stated inspectors took photos from the beach of any intrusive light and the owners were informed that residents could apply darkening film to their windows.

Maddy Dusquel, tenant, testified that he was on the property every day. He said he had received the citation, but he had never received the information package or a warning. He stated he had phoned the officer and complied the same day he received the citation.

Officer Saimbert said when Mr. Dusquel called, he had met with him in the daytime and when he inspected a couple of days later, the lights were still in violation. Mr. Dusquel stated this was not true, the lights had been turned off the day he received the citation.

Ms. Flynn found in favor of the City that the violation had existed as cited, denied the appeal and imposed the \$1,500 fine.

Later in the hearing, the City requested Ms. Flynn vacate her previous order. The case would be withdrawn, fines waived and the case closed.

Ms. Flynn vacated her previous order.

Case: CE-20011481

1317 TANGELO ISLE

SWINDELL, ROBERT C

This case was first heard on 1/12/21 to comply by 3/2/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,800 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Darrin Emmons, Code Compliance Officer, reported one violation remained and recommended a 14-day extension.

Patricia Rathburn, attorney, said the property was under contract and would close on July 7. The current owner was hiring someone to complete the repairs. She requested 21 days. She also asked that the fines be reduced to administrative costs because they needed a set amount for the closing. Ms. Hasan stated there was no mechanism for Ms. Flynn to reduce the fines to administrative costs now; the respondent must return at the next hearing.

Ms. Flynn granted a 16-day extension, during which time no fines would accrue and ordered the respondent to attend the 6/24/21 hearing.

Special Magistrate Hearing

June 8, 2021

Page 12

Case: CE18091090

941 SW 21 TER

941 TERRACE FL LLC

% CFR REALTY PARTNERS LLC

This case was first heard on 5/16/19 to comply by 7/4/19. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$11,300 and the City was requesting the full fine be imposed.

Dorian Koloian, Senior Code Compliance Officer, recommended reducing the amount owed to \$1,620 to cover administrative costs.

Deena Gray, attorney, agreed to the reduction.

Ms. Flynn imposed administrative costs of \$1,620.

The following eight cases were heard together:

Case: CE21030183

CITATION

239 S FORT LAUDERDALE BEACH BLVD

237 S FT LAUDERDALE BEACH LLC

This case was first cited on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

Manuel Garcia, Senior Code Compliance Officer, referred to photos of the violations and recommended imposition of the fines for all eight cases.

Courtney Crush, attorney, explained the ownership of all eight properties. Ms. Crush stated she had reviewed the Beach Lighting ordinance Section 6-53 and said these cases were not appropriate for the citation process. The ordinance stated that "when it has been determined that a violation has occurred, notice of the violation and an opportunity for a hearing shall be served upon the person or persons responsible. Upon refusal, failure or neglect of the person served with the notice of violation to cure the violation and when the violator or violators representatives do not appear at the hearing granted to this code or as otherwise provided by law, or, when an order finding a violation is entered against the violator, the enforcing agency shall notify the violator in writing that an external source causing the violation may be removed by the City within 10 business days." Ms. Crush stated in these eight cases, a citation had been issued without a written warning and without a written opportunity for a hearing [notwithstanding an appeal] or an order making a finding of fact, which was not a citation. She requested the cases be withdrawn.

Officer Garcia referred to Section 6-51, adopted in 2003, in which the City allowed property owners one year to come into compliance for the lighting violations. He said these properties had been notified of the violations multiple times in past years. He added that the original warning was when the City issued information to the properties in February regarding the sea turtle lighting enforcement and the coming nesting season. The citations were issued with zero compliance time because these were "irreversible, irreparable" violations due to the damage being done to the sea turtles. All of the citations also contained language regarding the right to appeal.

Regarding the right to appeal, Ms. Crush said Section 6-53 required either a hearing or an order making a finding of fact issued by a Special Magistrate on the violation.

Ms. Hasan stated the provisions of Chapter 6 did not require a written warning. She said, "An appeal is a hearing and this is a hearing." She said the citation was an alternative remedy and there was no imposition without a hearing. Ms. Hasan noted that no appeals had been received. Under Section 11-19(g), it was mandatory that the Special Magistrate find the violation(s) exist because the respondent waived that right by failing to appeal. It also provided that civil penalties shall be assessed and costs may be assessed. The Special Magistrate had no discretion regarding the civil penalties if there was

Special Magistrate Hearing

June 8, 2021

Page 13

no appeal.

Ms. Crush explained that when she was discussing the "written notice" she was referring to the citation process, not the lighting section of the code. She noted that the Special Magistrate's role today was only to impose fines, but the penalty section in the turtle lighting ordinance spoke to a "hearing, or when an order finding a violation is entered and neither of those have occurred." An order finding a violation was not part of the citation process. The request for an order today, Ms. Flynn had been advised, was not eligible for her to make a finding, nor was it carried that way on the agenda.

Ms. Flynn was concerned because there was inconsistency between the citation ordinance and the sea turtle lighting ordinance.

Officer Garcia withdrew all eight cases.

Case: CE21030184

CITATION

235 S FORT LAUDERDALE BEACH BLVD
235 S FT LAUDERDALE BEACH LLC

This case was first heard on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

The City withdrew this case.

Case: CE21030185

CITATION

229 S FORT LAUDERDALE BEACH BLVD
EL-AD FL BEACH CR LLC

This case was first cited on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

The City withdrew this case.

Case: CE21030186

CITATION

227 S FORT LAUDERDALE BEACH BLVD
CLOTHES CONNECTION INC

This case was first cited on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

The City withdrew this case.

Case: CE21030187

CITATION

225 S FORT LAUDERDALE BEACH BLVD
L & A BEACH HOLDINGS LLC

This case was first cited on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

The City withdrew this case.

Case: CE21030188

CITATION

219 S FORT LAUDERDALE BEACH BLVD
EL-AD FL BEACH CR LLC

Special Magistrate Hearing

June 8, 2021

Page 14

This case was first cited on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

The City withdrew this case.

Case: CE21030189

CITATION

213 S FORT LAUDERDALE BEACH BLVD
TRD OF FORT LAUDERDALE LLC

This case was first cited on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

The City withdrew this case.

Case: CE21030190

CITATION

201 S FORT LAUDERDALE BEACH BLVD
TRD OF FORT LAUDERDALE LLC

This case was first cited on 3/4/21 to comply by 3/4/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$9,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

The City withdrew this case.

Case: CE21030781

2420 NW 31 AVE
ARCHER, JACKIE

Service was via posting at the property on 5/24/21 and at City Hall on 5/25/21.

Manuel Garcia, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

9-305(b)

THE LANDSCAPE AT THIS PROPERTY IS NOT BEING MAINTAINED IN A NEAT AND WELL KEPT APPEARANCE. THERE ARE AREAS OF DEAD AND MISSING GROUND COVER.

Officer Garcia presented the case file into evidence and explained that the owner was working with the Rebuild Florida program and he had been in contact with the contractor. There was substantial construction work being done on the property, so he recommended ordering compliance within 98 days or a fine of \$100 per day.

Jackie Archer said she had been working with Rebuild Florida since 2019, and requested seven months, as the contractor had indicated in his correspondence.

Ms. Flynn found in favor of the City and ordered compliance within 7 months or a fine of \$100 per day.

Ms. Flynn took a brief break.

Case: CE20101119

CITATION

2036 NE 21 AVE
KOSKI, ELIZABETH C &
KOSKI, GEORGE L

REQUEST TO VACATE ORDER OF 4/29/21

Special Magistrate Hearing

June 8, 2021

Page 15

This case was first cited on 11/21/20 to comply by 11/26/20. Violations and extensions were as noted in the agenda. The property was in compliance, and the City was requesting the Special Magistrate vacate the previous order imposing \$30,400 in fines and impose \$1,400 for the seven days the property was out of compliance.

Ms. Flynn vacated the order dated 4/29/21.

Ms. Flynn imposed the \$1,400 fine.

Case: CE21020494

6795 NW 17 AVE

CABO 6795 LLC

Service was via posting at the property on 5/24/21 and at City Hall on 5/25/21.

Bernstein Saimbert, Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

47-21.16.A. **COMPLIED**

THERE IS A DEAD TREE ON THIS PROPERTY DECLARED TO BE A PUBLIC NUISANCE.

18-4(c) **COMPLIED**

THERE IS A DERELICT VEHICLE AND BOAT/TRAILER ON THE PROPERTY.

47-34.1.A.1.

THERE IS ILLEGAL LAND USE CONSISTING OF A CONTAINER IN THE FRONT OF PROPERTY.

9-306

THERE ARE AREAS OF THE EXTERIOR WALLS THROUGHOUT THE PROPERTY THAT ARE DIRTY OR STAINED.

47-21.11.A.

THE LANDSCAPE AT THE PROPERTY IS NOT BEING MAINTAINED. THERE ARE BARE AREAS OF MISSING GROUND COVER INCLUDING THE SWALE.

47-20.20.(H)

THE PARKING FACILITY AT THIS COMMERCIAL PROPERTY NEEDS RESURFACING AND/OR RESTRIPING.

47-19.9 **COMPLIED.**

Officer Saimbert presented the case file into evidence and recommended ordering compliance within 28 days or a fine of \$25 per day, per violation.

Robert Symington agreed.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$25 per day, per violation.

Case: CE20110391

1640 NW 25 AVE

BANKS, ROBERTA EST

Service was via posting at the property on 5/24/21 and at City Hall on 5/25/21.

Special Magistrate Hearing

June 8, 2021

Page 16

Manuel Garcia, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

18-4(c) COMPLIED

18-12(a) COMPLIED

BCZ-39-133(e)(1)

THE EXTERIOR BUILDING WALLS, FASCIA AND SOFFIT IS NOT BEING MAINTAINED. THERE IS FADED PAINT, DIRT AND RUST STAINS ON THE HOUSE AT THIS PROPERTY.

9-304(b) COMPLIED

Officer Garcia presented the case file into evidence and recommended ordering compliance within 28 days or a fine of \$100 per day.

Robert Banks agreed to comply within 28 days.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$100 per day.

Case: CE19090635

1200 SW 31 ST

YEE, SPENCER & RAZAVILAR, PEJEMAN

MCDAVID, MICHAEL & LEE, EUGENE

This case was first heard on 2/6/20 to comply by 3/12/20. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$35,100 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Darrin Emmons, Code Compliance Officer, recommended imposition of the fines.

Michael McDavid said they were in the permit process to demolish the property, which he thought would happen in the next seven days.

Ms. Flynn granted a 21-day extension, during which time no fines would accrue.

Case: CE21010325

CITATION

1116 SW 1 ST 1-4

TROPICAL VIEW APARTMENTS LLC; %SAAR MANAGEMENT

This case was first cited on 1/11/21 to comply by 1/11/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$1,800 and the City was requesting the full fine be imposed.

Darrin Emmons, Code Compliance Officer, recommended imposition of the fine.

Ben Ezra said they had sold the property on January 14 and they had never received the notice. Ms. Hasan noted that the City cited the owner listed by the Broward County Property Appraiser. Mr. Ezra requested the fine be reduced to administrative fees.

Ms. Flynn imposed the \$1,800 fine.

Case: CE-20010501

3521 RIVERLAND RD

LAKHA, ZULFIQAR

Special Magistrate Hearing

June 8, 2021

Page 17

This case was first heard on 2/20/20 to comply by 5/21/20. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$16,600 and the City was requesting the full fine be imposed.

Manuel Garcia, Senior Code Compliance Officer, said this had been cited as a repeat violation. He confirmed the property was in compliance and recommended imposition of the fines.

Charles Fields said once the hearings resumed in 2020, he was unaware fines had begun accumulating and he had received no notice. He said during the pandemic, the City had suspended inspections and he had vacated the property to comply.

Officer Garcia stated administrative costs totaled \$976.

Ms. Flynn noted the property had been cited for the same violation in 2018. Mr. Fields said this had not been a sober home in 2018; he had been cited because more than three people without the same last name were occupying the home. This time, he was in the process of licensing the property as a community residence.

Ms. Flynn imposed a fine of \$1,500 for the time the property was out of compliance.

Case: CE-19110927

430 ARIZONA AVE

GRANT, CLAUDETTE B H/E; GRANT, DONALD

This case was first heard on 2/9/21 to comply by 2/19/21 and 3/30/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$7,975 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Dorian Koloian, Senior Code Compliance Officer, reported two violations remained. She recommended a 14-day extension.

Donald Grant requested 60 days. Officer Koloian said the driveway was ready for inspection and small areas on the home needed repainting.

Ms. Flynn granted a 14-day extension, during which time no fines would accrue.

Case: CE21030277

2493 ANDROS LN

RH INVESTMENT HOMES LLC

CITATION

This case was first cited on 3/10/21 to comply by 3/12/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$800 and the City was requesting the full fine be imposed. No appeal had been received.

Manuel Garcia, Senior Code Compliance Officer, recommended reducing the amount owed to \$267 to cover administrative costs.

Dana Korshe, agreed to the reduction and said she would not leave the carts outside anymore.

Ms. Flynn imposed administrative costs of \$267.

Case: CE20071241

2624 N OCEAN BLVD

NGUYEN, THI DANG

This case was first heard on 2/9/21 to comply by 3/16/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$4,200 and the City was requesting imposition of the fines.

Special Magistrate Hearing

June 8, 2021

Page 18

Paul Willis said some of the hedges had been reduced sufficiently on March 9, but not all. Will Snyder, Code Compliance Officer, said administrative costs totaled \$856.

Ms. Flynn imposed administrative costs of \$856.

Case: CE21010662

1037 NW 8 AVE
BAYONNE, NADIE

This case was first heard on 3/9/21 to comply by 3/19/21 and 3/31/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$7,275 and the City was requesting imposition of the fines.

Lois Turowski, Code Compliance Officer, recommended reducing the amount owed to \$626 to cover administrative costs.

Edmon Chenet said he had spent money curing the violations and the tenant had not paid rent in 16 months and requested a further reduction.

Ms. Flynn imposed administrative costs of \$626.

Case: CE21030523

CITATION

1221 E LAS OLAS BLVD
ALL AROUND LAS OLAS LLC

This case was first cited on 3/16/21 to comply by 3/30/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$1,950 and the City was requesting the full fine be imposed. No appeal had been received.

Dorian Koloian, Senior Code Compliance Officer, recommended imposition of the fines and entered the photos into evidence.

Stephan Guarch requested a reduction in the fine because during the pandemic, he had not had time to file for the business tax.

Ms. Flynn imposed the \$1,950 fine.

Case: CE21020531

2221 SW 28 WAY
CRISCIONE, GEORGE J

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Manuel Garcia, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

47-39.A.1.b.(7)(a)1.

THERE IS ILLEGAL OVERNIGHT STORAGE OF COMMERCIAL VEHICLES AND COMMERCIAL EQUIPMENT TAKING PLACE ON THE PROPERTY.

9-280(h)(1)

THE FENCE AT THIS PROPERTY IS IN DISREPAIR AND IS NOT BEING MAINTAINED AS REQUIRED. THE FENCE ON THE PROPERTY IS BROKEN AND FALLING.

47-39.A.1.b.(6)(b)

THERE IS OPEN AIR STORAGE OF MATERIALS ON THE PROPERTY THAT CONSISTS OF BUT NOT LIMITED TO PLASTIC CONTAINERS, PALLETS OF STONE, COMMERCIAL EQUIPMENT AND OTHER MISCELLANEOUS ITEMS.

Special Magistrate Hearing

June 8, 2021

Page 19

Officer Garcia presented the case file into evidence and recommended ordering compliance within 28 days or a fine of \$100 per day, per violation.

George Criscione requested additional time. He explained that the City trash removal trucks had run down a corner of his fence twice and this was the third fence he had installed and he would install a wall instead. He stated the roof was being replaced and there was significant construction taking place. Officer Garcia acknowledged there were open permits on the property but said they dated to 2000. Officer Garcia said the equipment on the property was not for the construction on the site; it was used for Mr. Criscione's pool installation business. He agreed to allow 180 days for the fence, but the storage of the commercial vehicles must comply within 28 days. Officer Garcia explained that as an annexed property, one commercial vehicle weighing up to 5,000 lbs. could be stored on the property but it must be screened from the right-of-way and other properties. Even though this was a private road, the property must comply with that requirement.

Mr. Criscione insisted the heavy equipment was too small to be used to construct a pool. He also stated the truck was an ordinary Ford F-250. He said he had put \$1 million into the home since purchasing it. He claimed he was keeping "all the ugliness from construction" in the rear of the property.

Officer Garcia pointed out that the truck had ladders and a commercial bed and per the City's code, commercial vehicles could not be parked at the property. He added that the Bobcat had been on a trailer for a very long time; it was not being used, it was being stored.

Ms. Flynn found in favor of the City and ordered compliance with 9-280(h)(1) within six months and with the remaining violations within 28 days or a fine of \$100 per day, per violation.

Case: CE21031050

CITATION

1120 NE 2 AVE
KNEZEVIC, ANA

This case was first cited on 3/31/21 to comply by 3/31/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$27,600 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

Julio Davila, Code Compliance Supervisor, said this had been cited as a repeat violation. As of June 4, 2021, the property was still advertised as a vacation rental without the required certificate. He recommended imposition of the fines.

Liga Martinez stated the owner had filed an appeal via certified mail.

Ms. Jordan said the appeal was received on April 13, 2021. She withdrew the case and it would be rescheduled for an appeal.

Case: CE19020850

2775 NW 63 CT
CHARLESTON ENTERPRISES LLC

This case was first heard on 8/1/19 to comply by 10/31/19. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$25,900 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Bernstein Saimbert, Code Compliance Officer, reported one violation remained and said there were ongoing permitting issues. He opposed an extension.

Ronald Coleho, contractor, said the permit had been open since 2017. He said the new owner wanted to reconfigure the parking area, requiring revisions to the permit. He related problems he had experienced getting the permit.

Special Magistrate Hearing

June 8, 2021

Page 20

Stephanie Bass, Code Enforcement Supervisor, said the irrigation permit had been issued in September 2020. She said the City did *not* object to the extension request.

Ms. Flynn granted a 91-day extension, during which time no fines would accrue.

Case: CE21040542

2317 CASTILLA ISLE

LINET, HARRY A

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Will Snyder, Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

47-19.3(h) COMPLIED

THERE IS A WATERCRAFT DOCKED ADJACENT TO RESIDENTIAL PROPERTY IN SUCH A POSITION THAT CAUSES IT TO EXTEND BEYOND THE SIDE SETBACK LINES. THIS IS A RECURRING VIOLATION. PREVIOUS CASE IS CE21020012. THIS CASE SHALL BE PRESENTED TO THE SPECIAL MAGISTRATE REGARDLESS OF ANY ACHIEVED COMPLIANCE.

Officer Snyder presented the case file into evidence and said the property was now in compliance. He requested a finding of fact that the violation had existed as cited.

Harry Linet said he had been unaware there was a ten-foot setback and had moved the boat.

Ms. Flynn found in favor of the City that the violation had existed as cited.

Case: CE21040011

1232 NW 5 AVE 1-2

COMMUNITY 8 PROPERTIES LLC

Service was via posting at the property on 5/26/21 and at City Hall on 5/25/21.

Lois Turowski, Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

18-12.(a) COMPLIED

THERE IS OVERGROWTH, TRASH, RUBBISH AND DEBRIS ON THIS PROPERTY AND/OR ITS SWALE.

47-34.1.A.1. COMPLIED

THERE ARE ITEMS BEING STORED OUTSIDE ON THE PROPERTY, INCLUDING BUT NOT LIMITED TO: CHAIRS, TABLES, TRASH BAGS AND BINS.

18-4.(c) COMPLIED

THERE IS A DERELICT BOAT ON A TRAILER IN FRONT OF THIS PROPERTY.

Officer Turowski presented the case file into evidence and said the property was now in compliance. She requested a finding of fact that the violation had existed as cited.

Ms. Flynn found in favor of the City that the violations had existed as cited.

Special Magistrate Hearing

June 8, 2021

Page 21

Case: CE21030401

1000 SW 18 CT
SOJA, WIESLAW

STIPULATED AGREEMENT

Service was via posting at City Hall on 5/25/21.

VIOLATIONS:

18-12(a)

THERE IS TRASH, RUBBISH AND DEBRIS ON THIS PROPERTY AND/OR ITS SWALE IN THE FORM OF, BUT NOT LIMITED TO CONCRETE PIECES, A PILE OF SAND AND OTHER TRASH.

9-305(b)

THE LANDSCAPE AT THIS PROPERTY IS NOT BEING MAINTAINED IN A NEAT AND WELL KEPT APPEARANCE. THERE ARE AREAS OF DEAD AND MISSING GROUND COVER. THERE IS A PILE OF SAND IN THE NORTH SIDE OF THE PROPERTY.

The City had a stipulated agreement with the owner to comply within 63 days or a fine of \$25 per day, per violation.

Ms. Flynn approved the stipulated agreement, found in favor of the City and ordered compliance within 63 days or a fine of \$25 per day, per violation.

Case: CE21030991

1009 MANGO ISLE
SMITH, BRADFORD

Service was via posting at the property on 5/24/21 and at City Hall on 5/25/21.

Darrin Emmons, Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

9-305(a)

THE LANDSCAPE ON THIS RESIDENTIAL OCCUPIED PROPERTY IS NOT MAINTAINED. THE LAWN COVER IS ENCROACHING INTO THE RIGHT OF WAY, THE SIDEWALK AND THE STREET.

18-12(a)

THERE IS OVERGROWTH, TRASH, AND DEBRIS ON THIS PROPERTY AND/OR ITS SWALE, FRONT AND REAR YARD. THERE ARE DEAD PALM FRONDS ON THE LAWN AND ON THE PALM TREES.

Officer Emmons presented the case file into evidence and recommended ordering compliance within 15 days or a fine of \$25 per day.

Ms. Flynn found in favor of the City and ordered compliance within 15 days or a fine of \$25 per day.

Case: FC21040014

500 SE 23 ST
FLL HOSPITALITY

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Captain Robert Kisarewich, Fire Inspections Officer, testified to the following violation(s):

VIOLATIONS:

1:13.6.4.3.2.1, FFPC

THE FIRE EXTINGUISHER(S) HAS/HAVE NOT BEEN SERVICED AND TAGGED BY A CERTIFIED PERSON/COMPANY WITHIN THE PAST 12 MONTHS.

Special Magistrate Hearing

June 8, 2021

Page 22

Captain Kisarewich presented the case file into evidence and recommended ordering compliance within 35 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$100 per day.

Case: CE21020372

6843 NW 29 AVE

AMAZON, JESSICA

Service was via posting at the property on 5/24/21 and at City Hall on 5/25/21.

Bernstein Saimbert, Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

9-304(b)

THE PAVED DRIVEWAY IS NOT WELL GRADED. THE BLACK TOP IS FADED.

Officer Saimbert presented the case file into evidence and recommended ordering compliance within 14 days or a fine of \$25 per day.

Ms. Flynn found in favor of the City and ordered compliance within 14 days or a fine of \$25 per day.

Case: CE21030624

2720 MIDDLE RIVER DR 1-2

MAYOR, CHRISTOPHER B

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Dorian Koloian, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

9-305(b)

THE LANDSCAPE AT THIS PROPERTY IS NOT BEING MAINTAINED IN A NEAT AND WELL KEPT APPEARANCE. THERE ARE AREAS OF DEAD AND MISSING GROUND COVER ON THE SWALE AREA.

Officer Koloian presented the case file into evidence and recommended ordering compliance within 35 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day.

Case: CE21030625

2732 MIDDLE RIVER DR 1-2

ULRICH, JAMES M H/E; LLOYD, RANDALL

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Dorian Koloian, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

9-306 **COMPLIED**

THE EXTERIOR BUILDING WALLS HAVE NOT BEEN MAINTAINED. THERE ARE AREAS OF THE EXTERIOR THAT HAVE STAINS AND MISSING, PEELING PAINT.

9-308(b) **COMPLIED**

THE ROOF AT THIS PROPERTY IS DIRTY/STAINED.

9-304(b)

THE GRAVEL DRIVEWAY IS NOT MAINTAINED AND IS HARBORING PLANT GROWTH.

Special Magistrate Hearing

June 8, 2021

Page 23

Officer Koloian presented the case file into evidence and recommended ordering compliance within 35 days or a fine of \$50 per day.

Ms. Flynn found in favor of the City and ordered compliance within 35 days or a fine of \$50 per day.

Case: CE21010826

1531 SW 18 TER

CURTIN, ANNE H/E; ASCIONE, DON

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Manuel Garcia, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

18-4(c)

THERE IS A DERELICT VESSEL DOCKED TO THE PROPERTY.

Officer Garcia presented the case file into evidence and recommended ordering compliance within 28 days or a fine of \$100 per day.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$100 per day.

Case: CE21020907

3904 SW 13 CT

FLAMINGO 1777 LLC

Service was via posting at the property on 5/25/21 and at City Hall on 5/25/21.

Manuel Garcia, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

47-34.1.A.1.

THERE IS ILLEGAL OUTDOOR STORAGE OF MISCELLANEOUS ITEMS AT THE FRONT AND REAR OF EACH UNIT.

18-12(a)

THERE IS OVERGROWTH, TRASH, RUBBISH AND DEBRIS ON THIS PROPERTY AND/OR ITS SWALE.

9-306 **COMPLIED**

THE EXTERIOR BUILDING WALLS HAVE NOT BEEN MAINTAINED. THERE ARE AREAS OF THE EXTERIOR THAT HAVE STAINS, MISSING AND PEELING PAINT.

9-305(b)

THE LANDSCAPE AT THIS PROPERTY IS NOT BEING MAINTAINED IN A NEAT AND WELL KEPT APPEARANCE. THERE ARE AREAS OF DEAD AND MISSING GROUND COVER.

Officer Garcia presented the case file into evidence and recommended ordering compliance within 28 days or a fine of \$100 per day, per violation.

Ms. Flynn found in favor of the City and ordered compliance within 28 days or a fine of \$100 per day, per violation.

Special Magistrate Hearing

June 8, 2021

Page 24

Case: CE21030770

2230 NW 31 AVE

WASHINGTON, W F SR

Service was via posting at the property on 5/24/21 and at City Hall on 5/25/21.

Manuel Garcia, Senior Code Compliance Officer, testified to the following violation(s):

VIOLATIONS:

18-8(a)

THE PROPERTY APPEARS TO HAVE BEEN BOARDED WITHOUT A CERTIFICATE.

18-12(a)

THERE IS TRASH, RUBBISH AND DEBRIS ON THIS PROPERTY.

9-278(e)

THERE ARE BOARDS COVERING WINDOWS ON THE PROPERTY.

18-1.

THERE IS A BROKEN CARPORT ROOF AT THIS PROPERTY THAT IS CREATING A PUBLIC NUISANCE. IT IS BEING MAINTAINED IN SUCH A MANNER THAT THE PROPERTY THREATENS OR ENDANGERS THE PUBLIC HEALTH, SAFETY OR WELFARE OR MAY ADVERSELY AFFECT AND IMPAIR THE ECONOMIC WELFARE OF ADJACENT PROPERTIES.

9-280(b)

THE CARPORT AREA ON THE PROPERTY IS IN COMPLETE DISREPAIR. THERE ARE AREAS OF THE EXTERIOR WALLS THAT APPEAR TO BE DETACHING FROM THE MAIN STRUCTURE.

Officer Garcia presented the case file into evidence and recommended ordering compliance within 70 days or a fine of \$100 per day, per violation.

Ms. Flynn found in favor of the City and ordered compliance within 70 days or a fine of \$100 per day, per violation.

Case: CE21020089

CITATION

1418 NE 53 CT

FL2DAY INC

This case was first cited on 2/3/21 to comply by 2/8/21. Violations and extensions were as noted in the agenda.

The property was in compliance, fines had accrued to \$11,400 and the City was requesting the full fine be imposed. No appeal had been received.

Ms. Flynn imposed the \$11,400 fine.

Case: CE21010346

1117 NW 7 TER

TELLEZ, ANA ELBA; TELLEZ, JAVIER

This case was first heard on 3/9/21 to comply by 3/19/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$2,025 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Ms. Flynn imposed the \$2,025 fine, which would continue to accrue until the property was in compliance.

Special Magistrate Hearing

June 8, 2021

Page 25

Case: CE20120552

1700 NW 7 PL

B & B INVESTMENT SOLUTIONS LLC

This case was first heard on 3/9/21 to comply by 3/30/21. Violations and extensions were as noted in the agenda. The property was in compliance, and the City was requesting no fine be imposed.

Ms. Flynn imposed no fine.

Case: CE21030718

CITATION

1706 NW 14 AVE

FYR SFR BORROWER LLC; %HAVENBROOK HOMES

This case was first cited on 3/23/21 to comply by 3/24/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$1,350 and the City was requesting the full fine be imposed. No appeal had been received.

Ms. Flynn imposed the \$1,350 fine.

Case: CE20071381

340 SAN MARCO DR

340 SAN MARCO LLC

This case was first heard on 3/9/21 to comply by 3/19/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$16,200 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Ms. Flynn imposed the \$16,200 fine, which would continue to accrue until the property was in compliance.

Case: CE20080233

532 HENDRICKS ISLE

BEXA LLC

This case was first heard on 2/9/21 to comply by 3/9/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$18,200 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance.

Ms. Flynn imposed the \$18,200 fine, which would continue to accrue until the property was in compliance.

Case: CE21031001

CITATION

2590 N FEDERAL HWY

RICHARD C BUCHER TR;

BUCHER, ANDREW JOSEPH SR TRSTEE

This case was first cited on 4/20/21 to comply by 4/25/21. Violations and extensions were as noted in the agenda. The property was not in compliance, fines had accrued to \$22,000 and the City was requesting imposition of the fines, which would continue to accrue until the property was in compliance. No appeal had been received.

Ms. Flynn imposed the \$22,000 fine, which would continue to accrue until the property was in compliance.

Special Magistrate Hearing

June 8, 2021

Page 26

Case: CE18101730

3061 NE 45 ST

AMIT, ALON M AMIT, JENNIFER WETSTEIN

This was a request to vacate the order imposing fines dated 4/4/19.

Ms. Flynn vacated the order imposing fines dated 4/4/19.

Case: FC20100014

1491 NW 22 ST

BOULIN, GERALD & EDITH CELESTIN

This case was first heard on 3/9/21 to comply by 4/13/21. Violations and extensions were as noted in the agenda. The property was in compliance, fines had accrued to \$3,500 and the City was requesting the full fine be imposed.

Ms. Flynn imposed the \$3,500 fine.

Lien Reduction Hearings

Case: CE17032357

510 RIVIERA ISLE DR

GUERET, VINCENT B

Katrina Jordan, Presenter, testified that the lien amount was \$49,500 and City administrative costs totaled \$1,283.02. The City was requesting \$24,750.

Courtney Crush, attorney, explained that there were two adjacent properties that needed seawall repair. After significant time trying to get the permit it was determined that the work could be done without a permit. She requested reducing the lien to \$12,000.

Ms. Flynn reduced the lien amount to \$16,000 payable within 60 days. If payment was not made by that date, the lien would revert to the original amount and the case would not be eligible for a future lien reduction hearing.

Case: CE18070588

928 NW 1 ST

928 & 932 1ST STREET HOLDINGS LLC

Katrina Jordan, Presenter, testified that the lien amount was \$39,800 and City administrative costs totaled \$352.82. The City was requesting \$9,950.

Gene Morales explained that the case was complied but this had not been recorded properly with the City.

Ms. Flynn reduced the lien amount to \$1,283 payable within 60 days. If payment was not made by that date, the lien would revert to the original amount and the case would not be eligible for a future lien reduction hearing.

Case: ENF-CODE-19100421

1116 SW 1 ST 1-4

TROPICAL VIEW APARTMENTS LLC %

SAAR MANAGEMENT

Katrina Jordan, Presenter, testified that the lien amount was \$6,550 and City administrative costs totaled \$669.48. The applicant had offered \$1,000 and the City was requesting \$1,310.

Special Magistrate Hearing

June 8, 2021

Page 27

Ben Ezra requested the fines be reduced to administrative fees. He stated the property had been sold and money put in escrow regarding the fines.

Ms. Flynn reduced the lien amount to \$1,310 payable within 60 days. If payment was not made by that date, the lien would revert to the original amount and the case would not be eligible for a future lien reduction hearing.

Case: CE06100348

1506 NW 12 TER

CARTER, THOMAS EDWARD EST

Katrina Jordan, Presenter, testified that the lien amount was \$4,665,100 and City administrative costs totaled \$4,733.50. The applicant had offered \$1,500 and the City was requesting \$7,000.

Geil Bilu, attorney, said the deceased owner "treated this property like garbage." He said a neighbor had cleaned up the property, repaired the sidewalk and demolished the building "all on a verbal promise from a dead man that he was going to sell him the property" in return. Ms. Flynn noted the property had been in violation for 4,241 days. Mr. Bilu requested reducing the lien to \$3,500 for all three cases and noted the sale was for \$35,000. He said if the lien was too high, the sale would not go through. Ms. Flynn said the City would just start running the fines again.

Ms. Hasan said the ordinance did not allow Ms. Flynn to go below the administrative costs, which totaled \$6,325.66 for all three cases.

Ms. Flynn reduced the lien amount to \$10,000 for all three cases, payable within 60 days. If payment was not made by that date, the lien would revert to the original amount and the case would not be eligible for a future lien reduction hearing.

Case: CE12050967

1506 NW 12 TER

CARTER, THOMAS EDWARD EST

Katrina Jordan, Presenter, testified that the lien amount was \$219,400 and City administrative costs totaled \$514.50. The applicant had offered \$1,000 and the City was requesting \$3,000.

Case: CE18100980

1506 NW 12 TER

CARTER, THOMAS EDWARD EST

Katrina Jordan, Presenter, testified that the lien amount was \$75,400 and City administrative costs totaled \$1,077.66. The applicant had offered \$500 and the City was requesting \$3,000.

Case: CE18020357

2715 N OCEAN BLVD # 17C

RICE CAPITAL LLC

Katrina Jordan, Presenter, testified that the lien amount was \$32,750 and City administrative costs totaled \$657.84. The applicant had offered \$657.84 and the City was requesting \$13,100.

Sophia Blair said her client had acquired the property via an association foreclosure sale in February and the violation was an open permit. When her client acquired the property, they had immediately acted to comply. She requested the fines be reduced to hard costs. It had taken the new owner approximately two months to comply.

Ms. Flynn reduced the lien amount to \$2,500 payable within 60 days. If payment was not made by that date, the lien would revert to the original amount and the case would not be eligible for a future lien reduction hearing.

Special Magistrate Hearing

June 8, 2021

Page 28

Case: CE20070570

2600 NE 9 ST

OCON RE ACQUISITIONS LLC

Katrina Jordan, Presenter, testified that the lien amount was \$26,200 and City administrative costs totaled \$482.84. The applicant had offered \$1,750 and the City was requesting \$10,480.

Jennifer Louise Ford said the owner had thought he was in compliance by not renting the home. He did not know that advertising was a violation. Also, his agent had not informed him about the violation.

Ms. Hasan said the notice had been sent to the owner and the agent.

Ms. Ford said the City Manager had "conspired" with a neighbor to harass the owner. She read from an email she said City Manager Lagerbloom had sent stating, "Can we pass by this house from time to time tonight and get a status check? As I understand, they aren't licensed, and may never be licensed if I can figure out how to do that." Ms. Ford said this was tortious interference against her client's business. Ms. Ford stated the property had been under contract three times this year, and all sales had fallen through because of the liens.

Ms. Ford stated the property had not been rented between July 14 and September 16, 2020.

Ms. Flynn reduced the lien amount to \$8,000 payable within 60 days. If payment was not made by that date, the lien would revert to the original amount and the case would not be eligible for a future lien reduction hearing.

Case: CE21010878

2600 NE 9 ST

OCON RE ACQUISITIONS LLC

Katrina Jordan, Presenter, testified that the lien amount was \$16,000 and City administrative costs totaled \$668.28. The applicant had offered \$1,000 and the City was requesting \$6,400.

Ms. Flynn reduced the lien amount to \$1,000 payable within 60 days. If payment was not made by that date, the lien would revert to the original amount and the case would not be eligible for a future lien reduction hearing.

Staff entered pages 46 and 47 of complied, closed, withdrawn and rescheduled cases as an exhibit.

Cases Complied

The below listed cases were complied since the agenda was published. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

None

Cases Rescheduled

The below listed cases were rescheduled since the agenda was published. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

None

Cases Closed

The below listed cases were closed since the agenda was published. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

None

Cases Withdrawn

The below listed cases were withdrawn since the agenda was published. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:

CE21030179

CE21030357

CE21031048

CE21010155

Special Magistrate Hearing

June 8, 2021

Page 29

CE21030585
CE21030191

CE21030586

CE21031044

CE21040923

Cases with No Service

The below listed cases had no service. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:


None

Respondent Non-Appearence

Respondents for the below listed cases did not appear. Additional information regarding respondents, violations, etc. can be found in the agenda, which is incorporated into this record by reference:


None

There being no further business, the hearing was adjourned at 1:10 P.M.



Special Magistrate

ATTEST:



Clerk, Special Magistrate